

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DONALD D. MARTIN, JR., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 13-834C
)	(Judge Patricia Campbell-Smith)
THE UNITED STATES,)	
)	
Defendant.)	

JOINT STATUS REPORT

Pursuant to the Court's order dated November 26, 2019, Dkt. No. 203, the parties respectfully submit this status report regarding the parties' efforts to calculate the amount of liquidated damages that may be due each collective action member pursuant to the Court's prior decisions.

The parties' previous status report was submitted on May 8, 2020. Dkt. No. 216. As advised in the status report, defendant has filed its motion to dismiss, or alternatively, for summary judgment, on the claims of the 2,410 plaintiffs (1) who have not been identified sufficiently for the Government to confirm their employment during the 2013 lapse in appropriations, or (2) that defendant's consultants have determined are ineligible for damages. Dkt. No. 205. Plaintiffs filed their response to the defendant's motion on May 21, 2020. Dkt. No. 222. Defendant has requested an extension to reply to plaintiffs' response, which the Court has granted; defendant's response is due on September 2, 2020. Dkt. No. 224. In addition, on February 6, 2020, the parties filed a joint stipulation of dismissal, with prejudice, of the 1,050 duplicative claims that defendant originally intended to include in its motion to dismiss. Dkt. No. 208.

The parties continue to finalize the methodology and damages for the remaining individuals who may be eligible for damages. Particularly, although the parties have likely agreed to the methodology for calculating liquidated damages for individuals who did not work overtime

between October 1-5, 2013, they continue to finalize the methodology and damages for the approximately 2,617 individuals who worked some measure of overtime during that time. Further, there remain 12 individuals for whom their respective agencies are unable to provide requested data, and the parties are working on a methodology for determining damages calculations for those 12 individuals. In addition, the parties are in the process of reaching agreement on how to resolve the issue of the amount of reasonable attorney fees to which plaintiffs may be entitled pursuant to the Fair Labor Standards Act.

Respectfully submitted,

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